

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 3, 5, 6, 8 - 15, 17 and 18 are pending in the application. Currently, all claims stand rejected.

By the present amendment, new claims 28 and 29 have been added to the application.

In the office action mailed December 9, 2005, claims 1- 3, 5, 6, 8 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,480,165 to Flowers; and claims 10 - 15, 17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers in view of U.S. Patent No. 5,496,045 to Millener.

The foregoing rejections are traversed by the instant response.

It is well settled law that for a reference to anticipate a claim, all of the limitations set forth in the claim must be expressly or inherently found in the cited reference. Flower does not anticipate the subject matter of claim 1 because all of the limitations of claim 1 can not be found in Flower. In particular, claim 1 calls for the brush seal to have a side plate, a first set of bristles, and a second set of bristles between the first set of bristles and the side plate. The claim further goes on to call for the first set of bristles to have a length greater than the length of the second set of bristles and for the second set of bristles to cooperate with the side plate to reduce windage effects on the first set of bristles. A review of the embodiment of FIG. 1 in Flowers, the set of bristles having the longer length is positioned between the side plate and the set of bristles having the shorter length. Nor does this embodiment show a shorter length set of bristles which cooperates with the side plate to reduce windage effects on the

longer set of bristles. Thus, this embodiment does not anticipate the limitations of claim 1. As for the embodiment of FIG. 6 in Flower, this embodiment does not meet the limitation in claim 1 of the first set of bristles abutting the second set of bristles at a point adjacent a joint between the back plate and the side plate. This is because Flower places a spacer ring (25) between the two sets of bristles in the vicinity of the joint. The embodiment of FIG. 7 has the same deficiency. For these reasons, claim 1 is not anticipated by Flower.

Claims 2, 3, 5, 6, 8 and 9 are allowable for the same reasons as claim 1 and further on their own accord.

Claim 10 is allowable over the combination of Flower and Millener because Millener does not cure the aforementioned deficiencies of Flower. The seal in Millener has only a single set of bristles.

Claim 11 is allowable over the combination of Flower and Millener et al. because, even if the references were properly combined, neither would teach or suggest a brush seal having the combination of a set of contacting bristles and a set of non-contacting bristles where the set of non-contacting bristles resides between the set of contacting bristles and the side plate and *abuts said set of contacting bristles substantially along a majority of said length*. In Flower, either the set of non-contacting bristles is not between the set of contacting bristles and the side plate or if it is in the claimed location, the spacer ring (25) prevents the set of non-contacting bristles from abutting the set of contacting bristles substantially along a majority of the length. It is clear from FIG. 6 that the non-contacting bristles only abut the contacting bristles a distance which is a minority of the length. For these reasons, claim 11 is allowable.

Claims 12 - 15, 17 and 18 are allowable for the same reasons as claim 11, as well as on their own accord.

New claim 28 depends from claim 1 and points out that the first set of bristles abuts the back plate. New claim 28 is allowable for the same reasons as claim 1 and further because the first set of bristles in Flower abuts the side plate, not the back plate.

New claim 29 depends from claim 11 and points out that the set of contacting bristles abuts the back plate. New claim 29 is allowable for the same reasons as claim 11 and further because neither of the cited and applied references has the claimed combination of bristles sets with the contacting set abutting the back plate.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

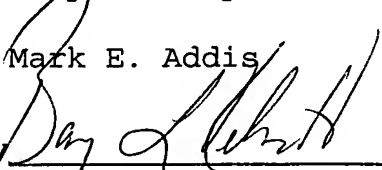
Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, she is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 21-0279.

Respectfully submitted,

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I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on March 8, 2006.

